

SECTION IV
COST SHARE PROGRAM GUIDELINES
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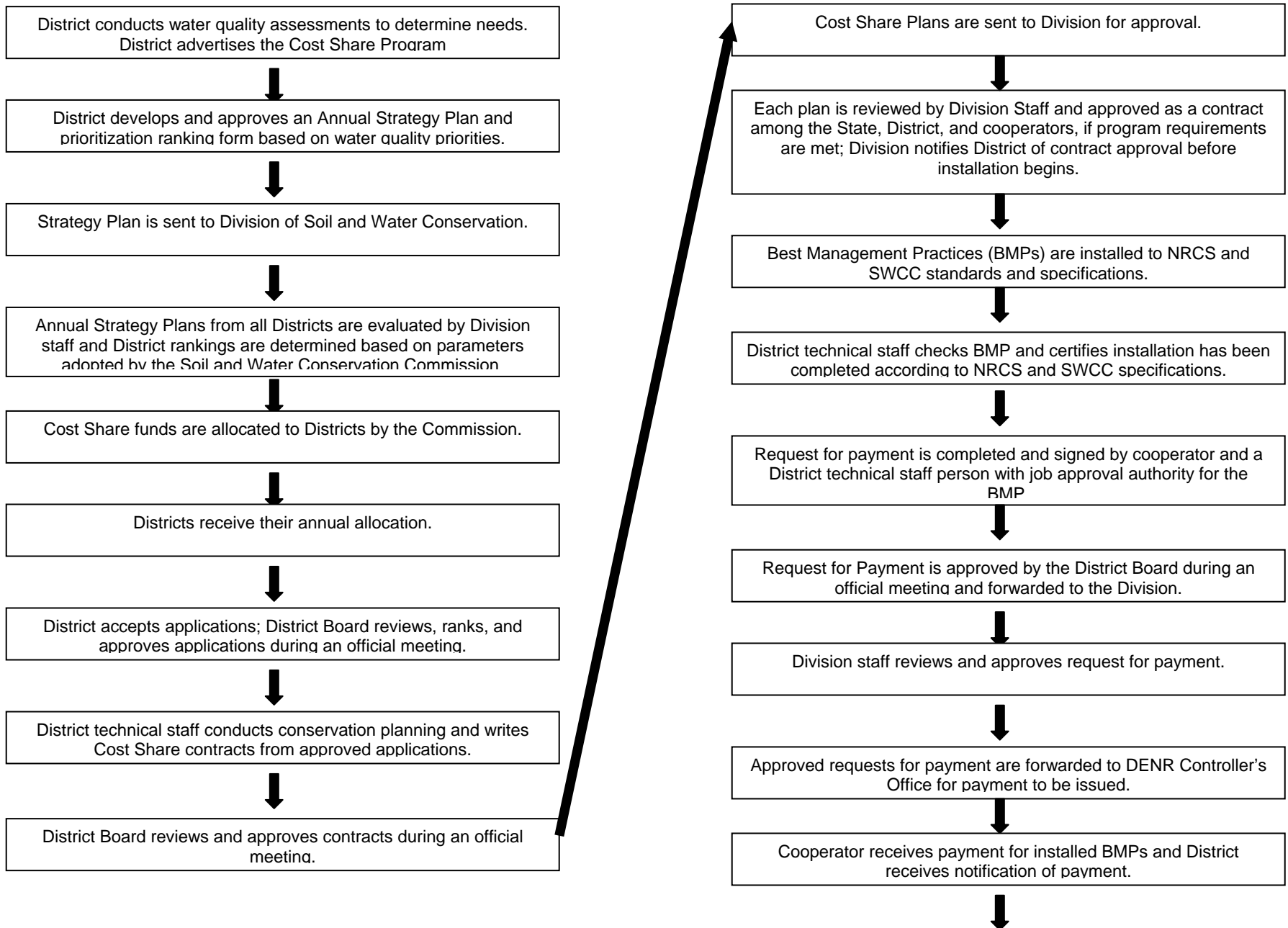
PROGRAM YEAR DUE DATES

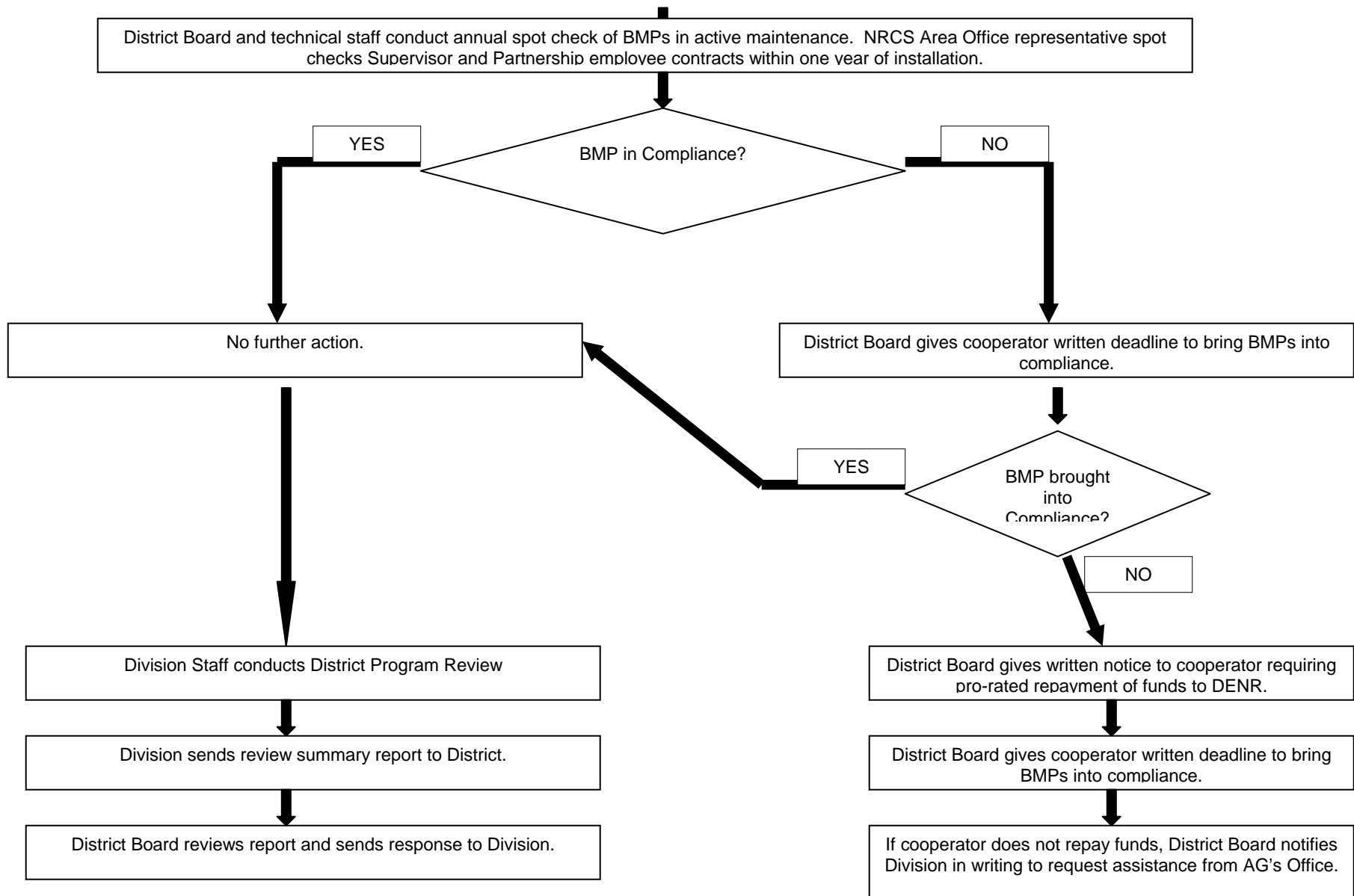
1. July 1st: Spot Check Forms (NCAC, T15A: 06E.0107(e))
2. October 15th: Technical Assistance Billing (NCAC, T15A: 06E.0106)
3. January 15th: Technical Assistance Billing
4. April 15th: Technical Assistance Billing
5. June 1st: Technical Assistance Billing (Pre-bill for month of June)
Failure to meet this deadline could result in delayed payment or even no payment to the District for the fourth quarter billing.

Strategy Plans due
6. 1st Wed., June: **Division must receive by 5:00 p.m.** all contracts encumbering current program year funds. (NCAC, T15A: 06E.0103(h))
7. June 30: Extension requests due to Division. Requests for payments due for contracts about to expire or those needing payment to be credited in the closing fiscal year.

NC Agriculture Cost Share Program

Funding and Compliance Process





SUBCHAPTER 6E - AGRICULTURE COST SHARE PROGRAM FOR NONPOINT SOURCE POLLUTION CONTROL

SECTION .0100 - AGRICULTURE COST SHARE PROGRAM

.0101 PURPOSE

This Subchapter describes the operating procedures for the division under the guidance of the commission implementing the Agriculture Cost Share Program for Nonpoint Source Pollution Control. Procedures and guidelines for participating districts are also described. The purpose of the voluntary program is to reduce the delivery of agricultural nonpoint source (NPS) pollution into the water courses of the state.

*History Note: Authority G.S. 139-4; 143-215.74; 143B-294;
Eff. May 1, 1987;
Recodified from 15A NCAC 6E .0001 Eff. December 20, 1996.*

15A NCAC 06E .0102 DEFINITIONS FOR SUBCHAPTER 6E

In addition to the definitions found in G.S. 143-215.75, the following terms used in this Subchapter have the following meanings:

- (1) Agriculture Nonpoint Source (NPS) Pollution means pollution originating from a diffuse source as a result of agricultural activities related to crop production, animal production units and land application of waste materials.
- (2) Allocation means the annual share of the state's appropriation to participating districts.
- (3) Applicant means a person(s) who applies for best management practice cost sharing monies from the district.
- (4) Average Costs means the calculated cost, determined by averaging recent actual costs and current cost estimates necessary for best management practice implementation. Actual costs include labor, supplies, and other direct costs required for physical installation of a practice.
- (5) Best Management Practice (BMP) means a structural or nonstructural management based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters.
- (6) Conservation Plan of Operation (CPO) means a written plan scheduling the applicant's decisions concerning land use, and both cost shared and non-cost shared BMPs to be installed and maintained on the operating unit.
- (7) Cost Share Agreement means an annual or long term agreement between the applicant and the district which defines the BMPs to be cost shared, rate and amount of payment, minimum practice life, and date of BMP installation. The agreement shall state that the recipient shall maintain and repair the practice(s) for the specified minimum life of the practice. The Cost Share Agreement shall have a maximum contract life of three years for BMP installation. The district shall perform an annual status review during the installation period.
- (8) Cost Share Incentive (CSI) means a predetermined fixed payment paid to an applicant for implementing a BMP in lieu of cost share.
- (9) Cost Share Rate means a cost share percentage paid to an applicant for implementing BMPs.
- (10) Detailed Implementation Plan means the plan approved by the commission that specifies the guidelines for the current program year; including, BMPs that will be eligible for cost sharing and the minimum life expectancy of those practices.
- (11) District BMP means a BMP designated by a district to reduce the delivery of agricultural NPS pollution and which is reviewed and approved by the Division to be technically adequate prior to funding.
- (12) Encumbered Funds means monies from a district's allocation which have been committed to an applicant after initial approval of the cost share agreement.
- (13) Full Time Equivalent (FTE) means 2,080 hours per annum which equals one full time technical position.
- (14) In-kind Contribution means a contribution by the applicant towards the implementation of BMPs. In-kind contributions shall be approved by the district and can include but not be limited to labor, fuel, machinery use, and supplies and materials necessary for implementing the approved BMPs.
- (15) Landowner means any natural person or other legal entity, including a governmental agency, who holds either an estate of freehold (such as a fee simple absolute or a life estate) or an estate for years or from year to year in land, but does not include an estate at will or by sufferance in land.

Furthermore, a governmental or quasi-governmental agency such as a drainage district or a soil and water conservation district, or any such agency, by whatever name called, exercising similar powers for similar purposes, can be a landowner for the purposes of these Rules if the governmental agency holds an easement in land.

- (16) Program Year means the period from July 1 through June 30 for which funds are allocated to districts.
- (17) Proper Maintenance means that a practice(s) is being maintained such that the practice(s) is successfully performing the function for which it was originally implemented.
- (18) Soil Loss Tolerance (t) means the maximum allowable annual soil erosion rate to maintain the soil resource base, depending on soil type.
- (19) Strategy Plan means the annual plan for the N.C. Agriculture Cost Share Program for Nonpoint Source Pollution Control to be developed by each district. The plan identifies pollution treatment needs and the level of cost sharing and technical assistance monies required to address those annual needs in the respective district.
- (20) Technical Representative of the district means a person designated by the district to act on their behalf who participates in the planning, design, implementation and inspection of BMPs. These practices shall be technically reviewed by the Division. The district chairman shall certify that the technical representative has properly planned, designed and inspected the BMPs.
- (21) Unencumbered Funds means the portion of the allocation to each district which has not been committed for cost sharing.

History Note: Authority G.S. 139-3; 143-215.74; 143B-294; Eff. May 1, 1987; Temporary Amendment Eff. September 23, 1996; Recodified from 15A NCAC 6E .0002 Eff. December 20, 1996; Amended Eff. April 1, 1997; Temporary Amendment Expired June 13, 1997; Amended Eff. July 1, 2004.

.0103 ALLOCATION GUIDELINES AND PROCEDURES

(a) The Commission shall allocate the cost share funds to the districts in the designated program areas. To receive fund allocations, each district designated eligible by the commission shall submit an annual strategy plan to the commission at the beginning of each fiscal year. Funds may be allocated to each district for any or all of the following purposes: cost share payments, cost share incentive payments, technical assistance, or administrative assistance. Use of funds for technical and administrative assistance must follow the guidelines set forth in Rule .0106 of this Subchapter.

(b) Funds shall be allocated to the districts at the beginning of the fiscal year and whenever the Commission determines that sufficient funds are available to justify a reallocation. Districts shall be allocated monies based on the identified level of agriculture-related nonpoint source pollution problems, the respective district's BMP installation goals as demonstrated in the district annual strategy plan, and the district's record of performance to affect BMP installation by cooperating farmers. The allocation method used for disbursement of funds is based on the relative position of each respective district for those parameters approved by the Commission pursuant to paragraph (g) of this rule. Each district is assigned points for each parameter, and the points are totaled and proportioned to the total dollars available under the current program year funding according to the following formula:

(1)

Sum of Parameter Points	=	Total Points
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(2)

Percentage Total Points Each District	x	Total Dollars Available	=	Dollars Available to Each District
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(3) The minimum allocated to a particular district shall be \$20,000 per program year, unless the district requests less than \$20,000.

(4) If a district requests less than the dollars available to that district in (2) above, then the excess funds beyond those requested by the district are shall be allocated to the districts who did not receive their full requested allocation using the same methodology described in (2) above.

(c) 95 percent of the total program funding shall be allocated to the district accounts in the initial allocation. The Division shall retain five percent of the total funding in a contingency fund to be used to respond to an emergency or natural disaster. If the funds are not needed to respond to an emergency, then the contingency fund will be allocated at the March meeting of the Commission.

(d) The Commission may recall funds allocated to a district during a fiscal year that have not been encumbered to an agreement at any time if it determines the recalled funds are needed to respond to an emergency or natural disaster.

(e) At any time a district may submit a revised strategy plan and apply to the Commission for additional funds

(f) CPOs that encumber funds under the current year must be submitted to the Division by 5:00 p.m. on the first Wednesday in June.

(g) Districts shall be allocated funds based on their respective data for each of the following parameters:

1. Percentage of total acres of agricultural land in North Carolina that are in the respective County (including cropland, hayland, pasture land, and orchards/vineyards) as reported in the most recent edition of the North Carolina Agricultural Statistics. The actual percentage shall be normalized to a 1-100 scale. (20%)
2. Percentage of total number of animal units in North Carolina that are in the respective County as reported in the most recent edition of the North Carolina Agricultural Statistics and converted to animal units using the conversion factors approved by the USDA – Natural Resources Conservation Service. The actual percentage shall be normalized to a 1-100 scale. (20%)
3. Relative rank of the number of miles of stream identified as less than fully supporting due to agricultural nonpoint source pollution as reported in the state’s 303(d) list, 305(b) report, and basin plan. (20%)
4. Relative rank of the Percentage of the county draining to waters classified as Primary Nursery Areas, Outstanding Resource Waters, High Quality Waters, Trout, Shellfishing, and Critical Water Supply on the current schedule of Water Quality Standards and Classifications. (10%)
5. The percentage of cost share funds allocated to a district that are encumbered to contracts in the highest three of the most recent four completed program years as reported on the NC Agriculture Cost Share Program Database. (10%)
6. Percentage of program funds encumbered to contracts that are actually expended for installed BMPs in the highest three years of the most recent four-year period for which the allowed time for implementing contracted BMPs has expired as reported on the NC Agriculture Cost Share Program Database (10%).
7. The average erosion rate for agricultural land in the county as reported in the National Resources Inventory, unless the State Conservationist of the Natural Resources Conservation Service specifies that another information source would be more current and accurate. (10%)

*History Note: Authority G.S. 139-4; 139-8; 143-215.74; 143B-294;
Eff. May 1, 1987;
Recodified from 15A NCAC 6E .0003 Eff. December 20, 1996;
Amended Eff. April 1, 1997, March 27, 2002, August 18, 2005.*

.0104 BEST MANAGEMENT PRACTICES ELIGIBLE FOR COST SHARE PAYMENTS

(a) BMP's eligible for cost sharing will be restricted to those BMP's listed in the Detailed Implementation Plan approved by the commission for the current program year. BMP's shall meet the following criteria to be listed in the Detailed Implementation Plan:

- (1) All eligible BMP's must be designed to reduce the input of agricultural nonpoint source pollution into the water courses of the state or as otherwise authorized by statute.
- (2) Information establishing the average cost of the specified BMP must be available. District BMP's may use actual costs as indicated by receipts, if average costs are not available.
- (3) Eligible BMP's shall have adequate technical specifications as set forth in Paragraph (b) of this Rule.

(b) BMP definitions and specifications are set forth periodically in the USDA-Natural Resources Conservation Service Technical Guide, Section IV, Raleigh, North Carolina or by the division for district BMP's. BMP specifications appropriate for the current program year shall be met or exceeded in order for an applicant to qualify for cost sharing. Provisions for exceeding BMP design specifications by an applicant may be considered at the time of application with the district. The applicant shall assume responsibility for all costs associated with exceeding BMP design specifications.

(c) The minimum life expectancy of the BMP's shall be listed in the Detailed Implementation Plan. Practices designated by a district shall meet the life expectancy requirement established by the division for that district BMP.

*History Note: Authority G.S. 139-8; 143-215.74;
Eff. May 1, 1987;
Recodified from 15A NCAC 6E .0004 Eff. December 20, 1996;
Amended Eff. January 1, 1998.*

15A NCAC 06E .0105 COST SHARE AND INCENTIVE PAYMENTS

- (a) Cost share and incentive payments may be made through Cost Share Agreements between the district and the applicant.
- (b) For all practices except those eligible for CSI, the state shall provide a percentage of the average cost for BMP installation not to exceed the maximum cost share percentages shown in subdivisions (6), (8), and (9) of G.S. 143-215.74(b), and the applicant shall contribute the remainder of the cost. In-kind contributions by the applicant shall be included in the applicants' cost share contribution. In-kind contributions shall be specified in the agreement for cost sharing and shall be approved by the district.
- (c) CSI payments shall be limited to a maximum of three years per farm.
- (d) Average installation costs for each comparative area or region of the state and the amount of cost share incentive payments shall be updated and revised at least triannually by the Division for approval by the Commission.
- (e) The total annual cost share payments to an applicant shall not exceed the maximum funding authorized in subdivisions (6) and (9) of G.S. 143-215.74(b).
- (f) Cost share payments to implement BMPs under this program may be combined with other funding programs, as long as the combined cost share rate does not exceed the amount and percentages set forth in Paragraphs (b) and (e) of this Rule. For special funding programs where the applicant relinquishes all production capability on his or her agricultural land for at least 10 years, combined funding may equal up to 100 percent. Agriculture Cost Share Program funding shall not exceed the maximum cost share percentages shown in subdivisions (6), (8), and (9) of G.S. 143-215.74(b).
- (g) Use of cost share payments is restricted to land located within the county approved for funding by the Commission. However, in the situation where an applicant's farm is not located solely within a county, the entire farm, if contiguous, shall be eligible for cost share payments.
- (h) Cost share contracts used on or for local, state or federal government land must be approved by the Commission in order to avoid potential conflicts of interest and to ensure that such contracts are consistent with the purposes of this program.
- (i) The district Board of Supervisors may approve Cost Share Agreements with cost share percentages or amounts less than the maximum allowable in subdivisions (6), (8), and (9) of G.S. 143-215.74(b) if:
- (1) The Commission allocates insufficient cost share BMP funding to the district to enable it to award funding to all applicants;
 - (2) The district establishes other criteria in its annual strategy plan for cost sharing percentages or amounts less than those allowable in subdivisions (6), (8), and (9) of G.S. 143-215.74(b).

*History Note: Authority G.S. 139-4; 139-8; 143-215.74; 143B-294;
Eff. May 1, 1987;
Temporary Amendment Eff. September 23, 1996;
Recodified from 15A NCAC 6E .0005 Eff. December 20, 1996;
Temporary Amendment Expired June 13, 1997;
Amended Eff. July 1, 2004; April 1, 1999; January 1, 1998.*

.0106 TECHNICAL ASSISTANCE FUNDS

(a) The funds available for technical assistance shall be allocated by the commission based on the recommendation of the division and the needs as expressed by the district and needs to accelerate the installation of BMP's in the respective district. Each district may use these monies to fund new positions or to accelerate present technical assistance positions. Districts must provide an itemized budget to the division in order to qualify for technical assistance funds. Matching funds for district technical assistance shall be approved by the commission prior to any expenditure of funds. Budget revisions submitted by the districts may be approved by the NPS Section based on Paragraph (b) of this Rule. N. C. Agriculture Cost Share technical assistance funds may be used for each FTE technical position with the district matching at least 50 percent of the total. Priorities for funding positions shall be assigned as follows:

- (1) Subject to availability of funds and local match, provide support for one FTE technical position for every district.
- (2) Subject to availability of funds and local match, provide support for additional FTE technical position if the position is needed to further support program implementation. Priority for funding positions beyond one FTE per district shall be based on the following parameters:
 - a. Whether the position is presently funded by program technical assistance funds.
 - b. The number of program dollars encumbered to contracts in the highest three ~~each~~ of the previous four completed program years, and
 - c. The number of program dollars actually expended for installed BMPs in the highest three years of the most recent four-year period for which the allowed time for implementing contracted BMPs has expired as reported on the NC Agriculture Cost Share Program Database
- (3) Subject to availability of funds and local match, provide support for additional FTE technical position if the position is needed to further accelerate treatment of identified critical nonpoint source pollution problem(s).
 - (b) Technical assistance funds may be used for salary, benefits, social security, field equipment and supplies, office rent, office equipment and supplies, postage, telephone service, travel and mileage. A maximum of two thousand five hundred dollars (\$2,500) per year for each FTE technical position is allowed for mileage charges.
 - (c) Technical assistance funds may not be used to fund technical assistance positions which do not meet the following minimum requirements:
 - (1) associated degree in engineering, agriculture, forestry or related field, or
 - (2) high school diploma with two years experience in the fields listed in Rule .0106(c)(1), of this Section, or
 - (d) Cost shared positions must be used to accelerate the program activities in the district. A district technician cost shared with program funds may work on other activities as delegated by the field office supervisor but the total hours charged to the program by field office personnel must equal or exceed those hours funded through the program. Also, these hours must be in addition to those hours normally spent in BMP planning and installation by district personnel.
 - (e) District technicians may be jointly funded by more than one district to accelerate the program in each participating district. Each district must be eligible for cost sharing in the program. Requests for funding (salary, FICA, insurance, etc.) of a shared position must be presented to the division by all concerned districts and the division shall cost share to the billing district at a 50-50 rate based on the portion of the FTE provided each respective district. A shared position must be officially housed in one specific district and cost share for support items (office rent, telephone, etc.) shall be paid to one district only.
 - (f) Funds, if available, shall be allocated to each participating district to provide for administrative costs under this program. These funds shall be used for clerical assistance and other related program administrative costs and shall be matched with in-kind funds of an equal amount from the district.

*History Note: Authority G.S. 139-4; 139-8; 143-215.74; 143B-294;
 Eff. May 1, 1987;
 Amended Eff. July 1, 1992;
 Recodified from 15A NCAC 6E .0006 Eff. December 20, 1996;
 Amended Eff. November 1, 1997, August 18, 2005.*

.0107 COST SHARE AGREEMENT

- (a) The landowner shall be required to sign the agreement for all practices other than conservation tillage and land application of animal wastes. An applicant who is not the landowner may submit a long term written lease or other legal document, indicating control over the land in lieu of the landowner's signature, provided the control runs the length of the life of the practice as listed in the respective Program Year's Implementation Plan. Signature on the agreement constitutes responsibility for BMP maintenance and continuation.
- (b) As a condition for receiving cost share or cost share incentive payments for implementing BMP's, the applicant shall agree to continue and maintain those practices for the minimum life as set forth in the Detailed Implementation Plan, effective the date the BMP's are implemented.
- (c) As a condition for receiving cost share payments, the applicant shall agree to submit a soil test sample for analysis and follow the fertilizer application recommendations as close as reasonably and practically possible. Soil testing shall be required a minimum of every two years on all cropland affected by cost share payments. Failure to soil test shall not constitute noncompliance with the cost share agreement.
- (d) As a condition for receiving cost share payments for waste management systems, the applicant shall agree to have the waste material analyzed once every year to determine its nutrient content. If the waste is land applied, the applicant shall agree to soil test the area of application and to apply the waste as close as reasonably and practically possible to recommended rates. When waste is land applied, waste analysis and soil testing shall be conducted annually.

(e) The technical representative of the district shall determine if the practice(s) implemented have been installed according to specifications as defined for the respective program year in the USDA-Natural Resources Conservation Service Technical Guide, Section IV, Raleigh, North Carolina, or according to specifications approved by the Division for district BMP's. The district shall be responsible for making an annual spot check of five percent of all the participating farms to ensure proper maintenance. Waste management systems shall be included as part of the annual five percent check except for systems on farms without certified waste management plans. In those cases, the systems will receive annual status reviews for five years following implementation.

(f) If the technical representative of the district determines that a BMP for which program funds were received has been destroyed or has not been properly maintained, the applicant will be notified that the BMP must be repaired or re-implemented within 30 working days. For vegetative practices, applicants are given one calendar year to re-establish the vegetation. The district may grant a prescribed extension period if it determines compliance can not be met due to circumstances beyond the applicants control.

(g) If the practices are not repaired or reimplemented within the specified time, the applicant shall be required to repay to the Division a prorated refund for cost share BMP's as shown in Table 1 and 100 percent of the cost share incentive payments received.

Table 1
PRORATED REFUND SCHEDULE FOR NONCOMPLIANCE
OF COST SHARE PAYMENTS

Percent Age of Practice Life	Percent Refund
0	100
10	95
20	89
30	82
40	74
50	65
60	55
70	44
80	31
90	17
100	0

(h) An applicant, who has been found in noncompliance and who does not agree to repair or reimplement the cost shared practices, and a District may jointly request the commission to informally mediate the case. To invoke this method of mediation, both parties must stipulate that the commission mediation is binding.

(i) An applicant shall have a maximum of 180 days to make repayment to the Division following the final appeals process.

(j) The inability to properly maintain cost shared practices or the destruction of such practices through no fault of the applicant shall not be considered as noncompliance with the cost share agreement.

(k) When land under cost share agreement changes owners the new landowner shall be strongly encouraged by the district to continue and maintain practice(s) previously implemented.

*History Note: Authority G.S. 139-8; 143-215.74;
Eff. May 1, 1987;
Amended Eff. July 1, 1992;
Recodified from 15A NCAC 6E .0007 Eff. December 20, 1996;
Amended Eff. April 1, 1999; November 1, 1997.*

.0108 DISTRICT PROGRAM OPERATION

(a) As a component of the annual strategy plan developed by each district, both cropland and animal operations will be prioritized according to pollution potential. Technical and financial assistance will be targeted to facilitate BMP implementation on the identified critical areas.

(b) Priority by the district may be given to implementing systems of BMP's which provide the most cost effective reduction of nonpoint source pollution.

(c) All applicants shall apply to the district and complete the necessary forms in order to receive cost share payments.

(d) The district shall review each application and the feasibility of each application. The district shall review and approve the evaluation and assign priority for cost sharing. All applicants shall be informed of cost share approval or denial.

(e) Upon approval of the application by the district, the applicant and the district shall enter into a cost share agreement. The cost share agreement shall list the practices to be cost shared with state funds. The agreement shall also include the average cost of the recommended practice(s), cost incentive payment of the practice(s), and the expected implementation date of the practice(s). CPO's will be developed and become a part of the cost share agreement.

(f) Upon completion of practice(s) implementation, the technical representative of the district shall notify the district of compliance with design specifications.

(g) Upon notification, the district shall review the CPO. Upon approval, the district shall certify the practices in the CPO and notify the Division to make payment to the applicant.

(h) Upon receipt of a quarterly statement from the district, the Division shall reimburse to the district the appropriate amount for technical and clerical assistance.

(i) The district shall be responsible for and approve all BMP inspections as set forth in Rule .0107(e) of this Section to insure proper maintenance and continuation under the cost share agreement.

(j) Districts shall provide quarterly reports on program accomplishments to the commission on October 15, January 15, April 15 and an annual report on July 15.

(k) The district will be responsible for keeping appropriate records dealing with the program.

*History Note: Authority G.S. 139-4; 139-8; 143-215.74; 143B-294;
Eff. May 1, 1987;
Recodified from 15A NCAC 6E .0008 Eff. December 20, 1996;
Amended Eff. November 1, 1997.*

TITLE 15A, SUBCHAPTER 6F
PROCEDURES AND GUIDELINES TO IMPLEMENT THE
NONDISCHARGE RULE FOR ANIMAL WASTE MANAGEMENT SYSTEMS

.0001 PURPOSE

This Subchapter describes rules to implement the provisions of 15A NCAC 2H .0200 - Waste Not Discharged To Surface Waters, hereinafter called the Nondischarge Rule for Animal Waste Management Systems. In agreement with the Environmental Management Commission (EMC) and the Division of Environmental Management (DEM), the Soil and Water Conservation Commission sets forth these Rules in accordance with 15A NCAC 2H .0217. Alternatively, and in lieu of these Rules, the requirements of 15A NCAC 2H .0200 may be satisfied also by receiving an individual nondischarge permit from the Division of Environmental Management in accordance with 15A NCAC 2H .0217(d). An owner must either obtain certification under these Rules or meet DEM requirements for an individual nondischarge permit. The review process of the District does not abrogate the responsibilities of the owner to either obtain a certification or to meet DEM requirements for an individual nondischarge permit.

*History Note: Filed as a Temporary Adoption Eff. December 9, 1993 for a Period of 180 Days or Until the Permanent Rule Becomes Effective, Whichever is Sooner;
Statutory Authority G.S. 139-2; 139-4; 143B-294;
Eff. March 1, 1994.*

.0002 DEFINITIONS

The terms used in this Subchapter shall be as defined in G.S. 139-3; 143-215.74; 143B-294; 15A NCAC 2H .0203; 15A NCAC 6E .0002; and as follows:

- (1) "Agronomic rates" means those amounts of animal waste or compost to be applied to lands as contained in the nutrient management standard of the USDA Soil Conservation Service Technical Guide Section IV or as recommended by the North Carolina Department of Agriculture and Consumers Services and the North Carolina Cooperative Extension Service at the time of certification of the animal waste management plan.
- (2) "Certification" means the certification required in the Nondischarge Rule for Animal Waste Management Systems (15A NCAC 2H .0217).
- (3) "DEM" means the Division of Environmental Management, Department of Environment, Health, and Natural Resources, and the agency to receive the certification forms and responsible for enforcement of 15A NCAC 2H .0200.
- (4) "Design approval authority" means that authority granted by the Commission to designated individuals or groups of individuals to certify that a BMP or the system of BMPs for waste management has been designed to meet the standards and specifications of practices adopted by the Commission.
- (5) "Installation approval authority" means that authority granted by the Commission to designated individuals or groups of individuals to certify a BMP or system of BMPs for waste management has been installed to meet the standard of practices adopted by the Commission.
- (6) "Technical Specialist" means individuals or groups of individuals designated by the Commission at 15A NCAC 6F .0005 to certify an entire or portion of an animal waste management plan.

*History Note: Filed as a Temporary Adoption Eff. December 9, 1993 for a Period of 180 Days or Until the Permanent Rule Becomes Effective, Whichever is Sooner;
Statutory Authority G.S. 139-4; 143-215.74; 143B-294;
Eff. March 1, 1994.*

.0003 REQUIREMENTS FOR CERTIFICATION OF WASTE MANAGEMENT PLANS

(a) In accordance with 15A NCAC 2H .0217(a)(1), owners of animal waste management systems are required to:

- (1) obtain certification that the system will properly collect, treat, store, or apply animal waste to the land such that no discharge of pollutants occurs to surface waters of the state by any means except as a result of a storm event more severe than the 25-year, 24-hour storm as required in 15A NCAC 2H .0203(3); or
- (2) receive an individual nondischarge permit from the Division of Environmental Management in accordance with 15A NCAC 2H .0217(d).

(b) The certification is to be made by a Technical Specialist designated pursuant to this Subchapter, and will confirm that the best management practices (BMPs) contained in the animal waste management plan meet applicable minimum standards and specifications. BMPs in an existing system are not required to meet current standards and specifications as established by the Commission as long as the system is certified to be nondischarging as required in 15A NCAC 2H .0203(3).

(c) More than one Technical Specialist may be consulted for the design of BMPs and installation of BMPs. A Technical Specialist must certify the entire animal waste management plan as installed.

(d) Upon receiving a certification from a Technical Specialist, the owner must submit a copy of the certification to DEM and a copy of both the certification and the waste management plan to the District in which the system is or is to be located.

(e) The District shall review the waste management plan and, within 30 days of receipt of the plan, notify the owner, the certifying Technical Specialist, DEM and the Division if the District does not concur that the certification was signed by an approved Technical Specialist and that the waste management plan satisfies the purpose of proper conservation and utilization of farm generated animal by-products. If the District, upon review, concurs with the certification, no further action is required.

(f) The District shall maintain a copy of all animal waste management plans and the accompanying certification form.

(g) If the District does not concur that the certification was signed by a Technical Specialist, or that the waste management plan is acceptable, and if either the owner or the DEM requests that the District reconsider its decision, the District shall review its decision and within 45 days of the request, notify the owner, the certifying Technical Specialist, DEM, and the Division of the District's final decision. The District is encouraged to utilize other technical specialists, local agricultural agencies and disinterested agricultural producers in reconsidering its initial decision. If the District fails to act within 45 days on a request for reconsideration, the District's initial decision shall become final.

(h) An owner not receiving concurrence from the District may request that the Commission mediate a dispute over concurrence. Nothing in this Rule creates an administrative remedy which must be exhausted prior to exercising permit appeal rights pursuant to the rules of the Environmental Management Commission.

(i) An owner who does not obtain a certification is not deemed permitted pursuant to G.S. 143-215.1(d) and must apply for an individual permit from the Division of Environmental Management. Nothing in these Rules prohibits permit appeal rights pursuant to the rules of the Environmental Management Commission.

(j) Any proposed modification of an animal waste management plan requires approval by a Technical Specialist.

(k) Any modifications made in the system as a result of changes in the operation such as types and numbers of animals, equipment, or crops, must be in accordance with the BMP standards and specifications approved by the Commission and in effect at the time of the modification.

(l) A change in the cropping pattern as a result of weather-caused delays after application of animal waste shall not require the owner to obtain a new certification as long as the owner followed the certified waste management plan application rates and no discharge occurs to surface waters.

(m) The certifying Technical Specialist and the District are not required to spot check or otherwise assure proper maintenance and operation of an animal waste management system installed to meet the DEM certification requirements. Enforcement of the Nondischarge Rule for Animal Waste Management Systems (15A NCAC 2H .0217) shall remain the responsibility of DEM.

History Note: Filed as a Temporary Adoption Eff. December 9, 1993 for a Period of 180 Days or Until the Permanent Rule Becomes Effective, Whichever is Sooner; Statutory Authority G.S. 139-4; 143-215.74; 143B-294; Eff. March 1, 1994.

.0004 APPROVED BEST MANAGEMENT PRACTICES (BMPs)

(a) The Commission will approve a list of BMPs that are acceptable as part of an approved animal waste management system. The list of BMPs will be approved annually (by August 1) and revised as needed during the year by the Commission.

(b) As required by DEM in 15A NCAC 2H .0217, a BMP or system of BMPs designed and installed for an animal waste management plan must either:

- (1) meet the minimum standards and specifications of the US Department of Agriculture Soil Conservation Service Technical Guide, Section IV or minimum standards and specifications as otherwise determined by the Commission; or
- (2) the owner must receive an approved individual nondischarge permit as required for the animal waste management system.

(c) BMPs approved for use in the Agriculture Cost Share Program for Nonpoint Source Pollution Control are hereby approved for these purposes.

(d) Land application BMPs following the nutrient management standard contained in the Section IV of the SCS Technical Guide or as recommended by the North Carolina Department of Agriculture and Consumers Services (Soil Test Report and Waste Analysis, Form AD 10) and the Cooperative Extension Service (AG-439-4) (AG-439-5) (AG-439-28) are acceptable. In cases where agronomic rates are not specified in the nutrient management standard for a specific crop or vegetative type, application rates may be determined using the best judgement of the certifying Technical Specialist after consultation with NCDA or CES.

(e) Exemptions from the minimum buffer requirements for animal waste storage and treatment facilities and animal concentration areas are acceptable if no practical alternative exists and the BMP installed as an equivalent control meets the requirements for Nondischarge except as a result of a storm event more severe than the 25-year, 24-hour storm.

History Note: Filed as a Temporary Adoption Eff. December 9, 1993 for a Period of 180 Days or Until the Permanent Rule Becomes Effective, Whichever is Sooner; Statutory Authority G.S. 139-4; 143-215.74; 143B-294; Eff. March 1, 1994.

.0005 TECHNICAL SPECIALIST DESIGNATION

(a) As required in 15A NCAC 2H .0217, the Commission designates the following individuals or groups of individuals as Technical Specialists, to assist owners in animal waste management plan development and certification. No rights are afforded to Technical Specialists by this designation. Technical Specialists are defined as:

- (1) Individuals who have been assigned design approval authority or installation approval authority by the USDA, Soil Conservation Service, the NC Cooperative Extension Service or the NC Department of Agriculture;
- (2) Professional engineers subject to "The North Carolina Engineering and Land Surveying Act" as rewritten by Session Laws 1975, c. 681, s. 1, and recodified; and
- (3) Individuals with demonstrated skill and experience in the design or installation of animal waste management system BMPs.

(b) Design approval authority or installation approval authority of Technical Specialists may be for specific BMPs or a system of BMPs to be applied to complete an entire or a portion of an animal waste management plan.

- (c) Those individuals not designated in Subparagraphs (a)(1) or (2) of this Rule must:
- (1) Meet the minimum qualifications established by the Commission for each BMP or system of BMPs;
 - (2) Provide to the NPS Section of the Division an "Application for Designation as a Technical Specialist" and evidence of demonstrated skill and experience required for a BMP or system of BMPs for which they are requesting Technical Specialist designation. This documentation must be received by the second Wednesday of the first month of the quarter in order to have the application reviewed for designation that quarter; and
 - (3) The individual may provide additional information and request that their approval authority be updated based on new evidence of skill and experience.
- (d) A copy of the minimum requirements for skill and experience will be available at the District field office. The NPS Section of the Division will provide a list of designated Technical Specialists to all Districts, after each Commission meeting where action was taken concerning Technical Specialists. The list will specify the BMPs or system of BMPs which the Technical Specialist has designed or installed. The individual will be notified of the Commission action.

*History Note: Filed as a Temporary Adoption Eff. December 9, 1993 for a Period of 180 Days or Until the Permanent Rule Becomes Effective, Whichever is Sooner;
Statutory Authority G.S. 139-4; 143-215.74; 143B-294;
Eff. March 1, 1994.*

DETAILED IMPLEMENTATION PLAN – PROGRAM YEAR 2010*

(revised March 2010)

Definition of Practices

- (1) An abandoned well closure is the sealing and permanent closure of a supply well no longer in use. This practice serves to prevent entry of contaminated surface water, animals, debris, or other foreign substances into the well. It also serves to eliminate the physical hazards of an open hole to people, animals, and farm machinery. Cost share for this practice is limited to \$1,500 per well at 75% cost share and \$1,800 per well at 90%.
- (2) An agrichemical containment and mixing facility means a system of components that provide containment and a barrier to the movement of agrichemicals. The purpose of the system is to provide secondary containment to prevent degradation of surface water, groundwater, and soil from unintentional release of pesticides or fertilizers. Cost share for this practice is limited to \$16,500 per facility at 75% cost share and \$19,800 per facility at 90%.
- (3) An agrichemical handling facility means a permanent structure that provides an environmentally safe means of mixing agrichemicals and filling tanks with agrichemicals for application and storage to improve water quality. Benefits may include prevention of accidental degradation of surface and ground water. Cost share for this practice is limited to \$27,500 per facility at 75% cost share and \$33,000 per facility at 90%.
- (4) Agricultural pond restoration/repair means to restore or repair existing failing agricultural pond systems. Benefits may include erosion control, flood control, and sediment and nutrient reductions from farm fields for better water quality. This practice is only applicable to low hazard classification ponds. For restoration projects involving dam, spillway, or overflow pipe upgrades, cost share is limited to \$15,000 per pond at 75% cost share and \$18,000 per pond at 90%. For restoration projects involving removal of accumulated sediment only, total charge to NCACSP is restricted to a total of \$3,000 per pond at 75% cost share and \$3,600 per pond at 90%.
- (5) Agricultural water supply pond means to construct agricultural ponds for water supply for existing irrigation or livestock watering requirements (not expansion of the operation). Benefits may include water supply, erosion control, flood control, and sediment and nutrient reductions from farm fields for better water quality. This practice is only applicable to low hazard classification ponds. (Temporary practice for the Drought Response Program.) Cost share is restricted to \$15,000 per pond at 75% cost share and \$18,000 per pond at 90%. Receipts are required for reimbursement.
- (6) Agricultural road repair/stabilization means repair or stabilization of existing access roads utilized for agricultural operations, including roads to existing crop fields, pastures, and barns.
- (7) A chemigation or fertigation backflow prevention system means a system for preventing backflow of chemicals or fertilizers from contaminating water sources in chemigation and fertigation applications. It can include retrofitting or installing injection equipment, check valves, gauges, drains, and vacuum breakers. It does not include items unrelated to backflow prevention (e.g., tanks, mixers, or filters). Cost share for this practice is limited to \$1,500 per system at 75% cost share and \$1,800 per system at 90%.

- (8) A conservation cover practice means to establish and maintain a conservation cover of grass, legumes, or other approved plantings on fields previously with no groundcover established, to reduce soil erosion and improve water quality. Other benefits may include reduced offsite sedimentation and pollution from dissolved and sediment-attached substances. Eligible land includes that planted to Christmas Trees, orchards, ornamentals, vineyards and other cropland needing protective cover.
- (9) Conservation irrigation conversion means to modify an existing overhead spray irrigation system to increase the efficiency and uniformity of irrigation water application. Cost Share for this practice cannot exceed a total \$15,000 charge to NCACSP at 75% cost share and \$18,000 at 90%, including the cost of backflow prevention. Other water quality BMPs needed are in addition to the conversion cost. (Temporary practice for the Drought Response Program.)
- (10) A three-year conservation tillage system means any tillage and planting system in which at least (60) sixty percent of the soil surface is covered by plant residue for the same fields for three consecutive years to improve water quality. Benefits may include reduction of soil erosion, sedimentation and pollution from dissolved and sediment-attached substances. This incentive is broken down into two categories depending on the crop(s) to be grown:
- (a) Grain crops and cotton
 - (b) Vegetables, Tobacco, Peanuts, and Sweet Corn

Cost share for each category of this practice is limited to \$15,000 per cooperators in a lifetime.

- (11) A cover crop means a crop of grasses, legumes, or small grain grown primarily for seasonal protection, erosion control and soil improvement. It usually is grown for one year or less. The major purpose is water and wind erosion control, to cycle plant nutrients, add organic matter to the soil, improve infiltration, aeration and tilth, improve soil quality, reduce soil crusting, and sequester carbon. Benefits may include reduction of soil erosion, sedimentation and pollution from dissolved and sediment-attached substances. Cost share for this incentive practice is limited to \$15,000 per cooperators in a lifetime.
- (12) A critical area planting means an area of highly erodible land that cannot be stabilized by ordinary conservation treatment on which permanent perennial vegetative cover is established and protected to improve water quality. Benefits may include reduced soil erosion and sedimentation.
- (13) A cropland conversion practice means to establish and maintain a conservation cover of grasses, trees, or wildlife plantings on fields previously used for crop production to improve water quality. Benefits may include reduced soil erosion, sedimentation and pollution from dissolved and sediment-attached substances.
- (14) Crop residue management means maintaining cover on sixty (60) percent of the soil surface at planting to protect water quality. Crop residue management also provides seasonal soil protection from wind and rain erosion, adds organic matter to the soil, conserves soil moisture, and improves infiltration, aeration and tilth. Benefits may include reduction in soil erosion, sedimentation and pollution from dissolved sediment-attached substances. Cost share for this incentive practice is limited to \$15,000 per cooperators in a lifetime.

- (15) A diversion means a channel constructed across a slope with a supporting ridge on the lower side to control drainage by diverting excess water from an area to improve water quality. Benefits may include reduced soil erosion, sedimentation and pollution from dissolved and sediment-attached substances.
- (16) A field border means a strip of perennial vegetation established at the edge of the field that provides a stabilized outlet for row water to improve water quality. Benefits may include reduced soil erosion, sedimentation and pollution from dissolved and sediment-attached substances.
- (17) A filter strip means an area of permanent perennial vegetation for removing sediment, organic matter, and other pollutants from runoff and waste water to improve water quality. Benefits may include reduced soil erosion, sedimentation, pathogen contamination and pollution from dissolved, particulate, and sediment-attached substances.
- (18) A grade stabilization structure means a structure (earth embankment, mechanical spillway, detention-type, etc.) used to control the grade and head cutting in natural or artificial channels to improve water quality. Benefits may include reduced soil erosion and sedimentation.
- (19) A grassed waterway means a natural or constructed channel that is shaped or graded to required dimensions and established in suitable vegetation for the stable conveyance of runoff to improve water quality. Benefits may include reduced soil erosion, sedimentation and pollution from dissolved and sediment-attached substances.
- (20) A heavy use area protection means an area used frequently and intensively by animals, which must be stabilized by surfacing with suitable materials to improve water quality. Benefits may include reduced soil erosion, sedimentation and pollution from dissolved, particulate, and sediment-attached substances.
- (21) A land smoothing practice means reshaping the surface of agricultural land to planned grades for the purpose of improving water quality. Improvements to water quality include:
- (a) Reduction in nutrient loss.
 - (b) Reduction in concentrated flow of water from an agricultural field.
 - (c) Improved infiltration.
- (22) A livestock exclusion system means a system of permanent fencing (board or barbed, high tensile or electric wire) installed to exclude livestock from streams and critical areas not intended for grazing to improve water quality. Benefits may include reduced soil erosion, sedimentation, pathogen contamination and pollution from dissolved, particulate, and sediment-attached substances.
- (23) A livestock feeding area is a sized concrete pad where feeders are located, surrounded by a heavy use area. The livestock feeding area is designed for the purpose of improving the lifespan of the heavy use area and to reduce the runoff of nutrients and fecal coliform to adjacent water bodies. The practice is to be used to address water quality concerns where livestock feeding areas are in close proximity to streams and where relocation or rotation of feeding areas is infeasible due to physical limitations (e.g., slope) and where other stream protection measures are insufficient to protect

- (24) A long term no-till practice means planting all crops for five consecutive years with at least eighty (80) percent plant residue from preceding crops to improve water quality. Benefits may include reduced soil erosion, sedimentation and pollution from dissolved and sediment-attached substances. Cost share for this incentive or this incentive combined with 3-year conservation tillage for grain and cotton is limited to \$25,000 per cooperater in a lifetime.
- (25) A micro-irrigation system means an environmentally safe system for the conveyance and distribution of water, chemicals, and fertilizer to agricultural fields for crop production. A micro-irrigation system is for frequent application of small quantities of water on or below the soil surface as drops, tiny streams, or miniature spray through emitters or applicators placed along a water delivery line. This practice may be applied as part of a conservation management system to support one or more of the following purposes:
- (a) To efficiently and uniformly apply irrigation water and maintain soil moisture for plant growth.
 - (b) To efficiently and uniformly apply plant nutrients in a manner that protects water quality.
 - (c) To establish desired vegetation.

Cost share for this practice will be based on actual cost with receipts required not to exceed \$25,000 charge to the NCACSP at 75% cost share and \$30,000 at 90%, including the cost of backflow prevention.

- (26) A nutrient management means a definitive plan to manage the amount, form, placement, and timing of applications of nutrients to minimize entry of nutrients to surface and groundwater and improve water quality.
- (27) A nutrient scavenger crop is a crop of small grain grown primarily as a seasonal nutrient scavenger. The purpose is to scavenge and cycle plant nutrients. The nutrient scavenger crop also adds organic matter to the soil, improves infiltration, aeration and tilth, improves soil quality, reduces soil crusting, provides residue for conservation tillage, and sequesters carbon. Benefits may include reduction of soil erosion, sedimentation and pollution from dissolved and sediment-attached substances. Cost share for this incentive practice is limited to \$25,000 per cooperater in a lifetime.
- (28) A pastureland conversion practice means establishing trees or perennial wildlife plantings on excessively eroding land with a visible sediment delivery problem to the waters of the state used for pasture that is too steep to mow or maintain with conventional equipment to improve water quality. Benefits may include reduced soil erosion and sedimentation.
- (29) A pasture renovation practice means to establish and maintain a conservation cover of grass, where drought has caused damage to pasture vegetation. Benefits may include reduced soil erosion, sedimentation and pollution from dissolved and sediment-attached substances. (Temporary practice for the Drought Response Program.)

- (30) A portable agrichemical mixing station means a portable device to be used in the field to prevent the unintentional release of agrichemicals to the environment during mixing and transferring of agrichemicals. Benefits may include prevention of accidental degradation of surface and ground water. Cost share for this practice is limited to \$3,500 per station at 75% cost share and \$4,200 at 90%. Cost share is also limited to one station per cooperator.
- (31) Precision nutrient management means applying nitrogen; phosphorus and lime in a site-specific manner (with specialized application equipment or multiple application events) based on the site specific recommendations for each GPS-referenced sampling point to minimize entry of nutrients to surface and groundwater and improve water quality. Cost share for this incentive is limited to \$15,000 per cooperator.
- (32) Prescribed grazing involves managing the intensity, frequency, duration, timing, and number of grazing animals on pastureland in accordance with site production limitations, rate of plant growth, physiological needs of forage plants for production and persistence, and nutritional needs of the grazing animals. The goal of this practice is to reduce accelerated soil erosion and compaction, to improve or maintain riparian and watershed function, to maintain surface and/or subsurface water quality and quantity, to improve nutrient distribution, and to improve or maintain desired species composition and vigor of plant communities. Productive pastures maintain wildlife habitat and permeable green space. Cost share for this incentive is limited to \$15,000 per cooperator.
- (33) A riparian buffer means a permanent, long-lived vegetative cover (grass, shrubs, trees, or a combination of vegetation types) established adjacent to and up-gradient from watercourses or water bodies to improve water quality. Benefits may include reduced soil erosion and nutrient delivery, sedimentation, pathogen contamination and pollution from dissolved, particulate and sediment-attached substances.
- (34) A rock-lined outlet means a waterway having an erosion-resistant lining of concrete, stone or other permanent material where an unlined or grassed waterway would be inadequate to improve water quality. Benefits may include safe disposal of runoff, reduced erosion and sedimentation.
- (35) A rooftop runoff management system means a system of collection and stabilization practices (dripline stabilization, guttering, collection boxes, etc.) to prevent rainfall runoff from agricultural rooftops from causing erosion where vegetative practices are insufficient to address erosion concerns and protect water quality.
- (36) A sediment control basin means a basin constructed to trap and store waterborne sediment where physical conditions or land ownership preclude treatment of a sediment source by the installation of other erosion control measures to improve water quality.
- (37) A sod-based rotation practice means an adapted sequence of crops, grasses and legumes or a mixture thereof established and maintained for a definite number of years as part of a conservation cropping system which is designed to provide adequate organic residue for maintenance or improvement of soil tilth to improve water quality. Benefits may include reduced soil erosion, sedimentation and pollution from dissolved and sediment-attached substances. Cost share for this incentive practice is limited to \$25,000 per cooperator in a lifetime.
- (38) A stock trail or walkway means to provide a stable area used frequently and intensively for livestock movement by surfacing with suitable material to improve water quality.

- (39) A stream protection system means a planned system for protecting streams and stream banks that eliminates the need for livestock to be in streams by providing an alternative-watering source for livestock to improve water quality. Benefits may include reduced soil erosion, sedimentation, pathogen contamination, and pollution from dissolved, particulate and sediment-attached substances. System components may include:
- (a) A spring development means improving springs and seeps by excavating, cleaning, capping or providing collection and storage facilities.
 - (b) A stream crossing means a trail constructed across a stream to allow livestock to cross without disturbing the bottom or causing soil erosion on the banks.
 - (c) A trough or tank means devices installed to provide drinking water for livestock at a stabilized location.
 - (d) A well means constructing a drilled, driven or dug well to supply water from an underground source.
 - (e) A windmill means erecting or constructing a mill operated by the wind's rotation of large vanes and is used as a source of power for pumping water.
- (40) Streambank and shoreline protection means the use of vegetation to stabilize and protect banks of streams, lakes, estuaries, or excavated channels against scour and erosion. This practice should be used to prevent the loss of land or damage to utilities, roads, buildings, or other facilities adjacent to the banks, to maintain the capacity of the channel, to control channel meander that would adversely affect downstream facilities, to reduce sediment load causing downstream damages and pollution, or to improve the stream for recreation or fish and wildlife habitat.
- (41) A stream restoration system means the use of bioengineering practices, native material revetments, channel stability structures, and/or the restoration or management of riparian corridors in order to protect upland BMPs, restore the natural function of the stream corridor and improve water quality by reducing sedimentation to streams from streambank. Cost share for this practice is limited to \$30,000 per cooperator per year at 75% cost share and to \$36,000 per year at 90%.
- (42) A stripcropping practice means to grow crops and sod in a systematic arrangement of alternating strips or bands on the contour to improve water quality. Benefits may include reduced soil erosion, sedimentation, and pollution from dissolved and sediment-attached substances. The crops are arranged so that a strip of grass or close-growing crop is alternated with a strip of clean-tilled crop, fallow, or no-till crop, or a strip of grass is alternated with a close-growing crop.
- (43) A terrace means an earth embankment, a channel, or a combination ridge and channel constructed across the slope to improve water quality. Benefits may include reduced soil erosion, sedimentation and pollution from dissolved and sediment-attached substances.
- (44) A waste management system means a planned system in which all necessary components are installed for managing liquid and solid waste to prevent or minimize

- (A) A closure of waste impoundment means the safe removal of existing waste and waste water and the application of this waste on land in an environmentally safe manner. This practice is only applicable to waste storage ponds and lagoons. Cost share for this practice is limited to \$75,000 per cooperator at 75% cost share and \$90,000 at 90% cost share.
- (B) A concentrated nutrient source management System is a system of vegetative and structural measures used to manage the collection, storage, and/or treatment of areas where agricultural products may cause an area of concentrated nutrients.
- (C) A constructed wetland for land application practice means an artificial wetland area into which liquid animal waste from a waste storage pond or lagoon is dispersed over time to lower the nutrient content of the liquid animal waste.
- (D) A controlled livestock lounging area means a planned, stabilized and vegetated area in which livestock are kept for a short duration.
- (E) A drystack means a fabricated structure for temporary storage of animal waste. Cost share for drystacks for poultry and non-.0200 animal operations are limited to \$33,000 per structure at 75% cost share and \$39,600 at 90%.
- (F) A feeding/waste storage structure means a fabricated structure for the combined purpose of animal feeding and temporary storage of animal waste. Cost share for this practice is limited to \$27,500 per structure at 75% cost share and \$33,000 per structure at 90%.
- (G) An insect control system means a practice or combination of practices (planting windbreaks, pre-charging structures, incorporation of waste into soil, etc.) which manages or controls insects from confined animal operations, waste treatment and storage structures, and waste applied to agricultural land.
- (H) Lagoon biosolids removal means removing accumulated biosolids from active lagoons to restore required treatment volume at on-going operations. The biosolids will be properly utilized on offsite farmland or processed to a value-added product, including energy production, to reduce nutrient impacts. Lagoon Biosolids Removal Incentive payments shall be limited to \$15,000 in a lifetime.
- (I) A livestock mortality management system is a facility for managing livestock mortalities such as to minimize water quality impacts or to produce a material that can be recycled as a soil amendment and fertilizer substitute. Cost shareable mortality management system components include: composter, rotary drum composter, forced aeration static pile composter, mortality freezer, mortality incinerator, and mortality gasification.
- (J) A manure composting facility is a facility for the biological treatment, stabilization and environmentally safe storage of organic waste material (such as manure from poultry and livestock) to minimize water quality impacts and to produce a material that can be recycled as a soil amendment and fertilizer substitute.

- (K) Manure/litter transportation means transporting dry litter and dry manure from livestock and poultry farms that lack sufficient land to effectively utilize the animal-derived nutrients. The litter/manure will be properly utilized on alternative land or processed to a value-added product, including energy production, to reduce nutrient impacts. Manure/Litter Transportation Incentive payments shall be limited to 3-years per applicant and \$15,000 in a lifetime.
- (L) An odor control management system means a practice or combination of practices (planting windbreaks, pre-charging structures, incorporation of waste into soil, etc.) which manages or controls odors from confined animal operations, waste treatment and storage structures and waste applied to agricultural land.
- (M) A retrofit of on-going animal operations means modification of structures to increase storage or to correct design flaws to meet current standards. This practice may also be used to close waste impoundments on on-going operations, including the safe removal of existing waste and waste water and the application of this waste on land in an environmentally safe manner.
- (N) A solids separation from tank-based aquaculture production means a facility for the removal, storage and dewatering of solid waste from the effluent of intensive tank-based aquaculture production systems. The system is used to capture organic solids from the effluent stream of intensive fish production systems that would otherwise flow to effluent ponds for storage and further treatment. This waste comes from uneaten feed and feces generated by fish while being fed within a tank-or raceway based fish farm.
- (O) A storm water management system means a system of collection and diversion practices (guttering, collection boxes, diversions, etc.) to prevent unpolluted storm water from flowing across concentrated waste areas on animal operations.
- (P) A waste application system means an environmentally safe system (such as solid set, dry hydrant, mobile irrigation equipment, etc.) for the conveyance and distribution of animal wastes from waste treatment and storage structures to agricultural fields as part of an irrigation and waste utilization plan. Cost share for this practice is limited to \$35,000 per cooperator in a lifetime at 75% cost share and \$42,000 in a lifetime at 90%.
- (Q) A waste storage pond means an impoundment made by excavation or earthfill for temporary storage of animal waste, waste water and polluted runoff.
- (R) A waste treatment lagoon means an impoundment made by excavation or earthfill for biological treatment and storage of animal waste.
- (45) A water control structure means a permanent structure placed in a farm canal, ditch, or subsurface drainage conduit (drain tile or tube), which provides control of the stage or discharge of surface and/or subsurface drainage. The management mechanism of the structure may be flashboards, gates, valves, risers, or pipes. The primary purpose of the water control structure is to improve water quality by elevating the water table and reducing drainage outflow. A secondary purpose is to restore hydrology in riparian buffers to the extent practical. Elevating the water table promotes denitrification and lower nitrate levels in drainage water from cropping systems and minimizes the effects of short-circuiting of drainage systems passing through riparian buffers. Other benefits may include reduced pollution from other dissolved and sediment-attached substances,

This practice is not intended to be used to control water inflow from tidal influence (i.e., no tide gates).

(46) A wetland restoration system means a system of practices designed to restore the natural hydrology of an area that had been drained and cropped.

* To be used in conjunction with the most recent version of the APA Rules for the North Carolina Agriculture Cost Share Program for Nonpoint Source Pollution Control and the NC-ACSP Manual.

**BEST MANAGEMENT PRACTICES ELIGIBLE
FOR COST SHARE PAYMENTS**

- (1) Best Management Practices eligible for cost sharing include the practices listed in Table 1 and any approved District BMPs. District BMPs shall be reviewed by the Division for technical merit in achieving the goals of this program. Upon approval by the Division, the District BMPs will be eligible to receive cost share funding.

Table 1

<u>Practice</u>	<u>Minimum Life Expectancy (years)</u>
Abandoned Well Closure	1
Agrichemical Containment and Mixing Facility	10
Agrichemical Handling Facility	10
Agricultural Pond Restoration/Repair	10
Agricultural Water Supply Pond	10
Agricultural Road Repair/Stabilization	10
Backflow Prevention System	
Chemigation	10
Fertigation	10
Conservation Cover	6
Conservation Irrigation Conversion	10
3-Year Conservation Tillage System :	3
Cover Crops	1
Critical Area Planting	10
Cropland Conversion	10
Crop Residue Management	1
Diversion	10
Field Border	10
Filter Strip	10
Grade Stabilization Structure	10
Grassed Waterway	10
Heavy Use Area Protection	10
Land Smoothing	5
Livestock Exclusion	10
Livestock Feeding Area	10
Long Term No-Till	5
Micro-Irrigation System	10
Nutrient Management	3
Nutrient Scavenger Cover Crop	1
Portable Agrichemical Mixing Station	5
Pastureland Conversion	10
Precision Nutrient Management	3
Prescribed Grazing	3
Riparian Buffer	10
Rock-lined Waterway or Outlet	10
Rooftop Runoff Management System	10
Sediment Control Basin	10
Sod-based Rotation	4 or 5
Stock Trail and Walkway	10

Stream Protection System	
Spring Development	10
Stream Crossing	10
Trough or Tank	10
Well	10
Windmills	10
Streambank and Shoreline Protection	10
Stream Restoration	10
Stripcropping	5
Terrace	10
Waste Management System	
Closure of Abandoned Waste Impoundment	10
Concentrated Nutrient Source Management System	10
Constructed Wetland for Land Application	10
Controlled Livestock Lounging Area	10
Drystack	10
Feeding/Waste Storage Structure	10
Insect Control System	5
Lagoon Biosolids Removal Incentive	1
Livestock Mortality Management System	
Incinerator	5
Others Systems	10
Manure Composting Facility	10
Manure/Litter Transportation Incentive	1
Odor Management System	1 to 10
Retrofit of On-going Animal Operations	10
Solids Separation from Tank-Based Aquaculture	
Production	10
Storm Water Management System	10
Waste Application System	10
Waste Storage Pond	10
Waste Treatment Lagoon	10
Water Control Structure	10
Wetlands Restoration System	10

- (2) The minimum life expectancy of the BMPs shall be that listed in Table 1. Practices designated by a District shall meet the life expectancy requirement established by the Division for that District BMP.
- (3) The list of BMPs eligible for cost sharing may be revised by the Commission as deemed appropriate in order to meet program purpose and goals.

SOIL AND WATER CONSERVATION DISTRICT PRIORITIZATION

Districts will be allocated monies based on the identified level of agricultural related nonpoint source pollution problems and the respective Districts' BMP installation goals and available technical services. (See Rule 6E.0103 in Section IV of this manual.) Technical and financial assistance will be targeted to facilitate BMP implementation on the identified critical areas. (See Rule 6E.0108 in Section IV of this manual.)

Districts use different methods of prioritizing funds based on water quality needs and also on limiting factors such as:

1. availability of contractors, engineering assistance, and/or materials;
2. landowner's agreement to complete work;
3. length of growing season; and
4. degree of water quality impact from BMP installation.

Alternative plans must also be developed for less predictable factors as listed below:

1. weather (drought or wetness can negate plans for vegetative practices);
2. crop prices (change in prices can change regional farming practices of landowners);
3. governmental actions:
 - a. tobacco allotments - increases or decreases cause changes in land use
 - b. dairy buy-out program
 - c. 1985, 1990, 1995 Farm Bills
 - d. local zoning or land-use restrictions
 - e. 2H.0200 Regulations;
 - f. Senate Bill 1217;
 - g. House Appropriations Bill 53; and/or
4. Corporate Decisions - an increase or decrease in animal production in a specific region of the state shifts priorities of farmers.

Agriculture in North Carolina is a multi-billion dollar industry but it is not static. Farming priorities fluctuate and Districts must be flexible in their responses to stresses on water quality from these changes.

Beginning with program year 1998, the Soil and Water Conservation Commission requires written prioritization procedures. The District is required to use a numerical ranking form to evaluate each project based on water quality and District priorities. Districts vary in their methods of prioritization but they typically involve the following:

1. Identify water quality problem: type (i.e., dairy waste) or area (i.e., water supply watershed).
2. Identify BMPs needed to solve problem.
3. Establish list of BMPs in order of preference.
4. Advertise sign up period and receive applications from landowners.
5. Prioritize applications based on water quality problems using a numerical ranking form or seek specific known problem farms.
6. Initiate planning, design and installation based on technical assistance and engineering assistance.
7. Adjust priorities in response to any of the many possible limiting factors.

Example 1

- I. District lists priorities as:
 - A. Town water supply watershed
 - B. BMP Priority:
 1. animal waste management systems,
 2. sediment control structures, and
 3. stripcropping with sod strips.
- II. Fifteen landowners request assistance with swine but engineering assistance is only available to design and install three lagoons in 1995.
- III. District moves to 2nd priority (sediment structure) to meet annual goal of accelerating water quality protection in water supply watershed. Contractors only available to build three of the nine requested structures so District moves to next priority, stripcropping (3).
- IV. Technician assists seven landowners in planning sod base rotation stripcropping system on 200 acres that will prevent 10,000 tons of sediment from entering the water supply reservoir over the next ten years.

Example 2

N.C. AGRICULTURE COST SHARE EVALUATION FORM _____ SOIL & WATER CONSERVATION DISTRICT

Name _____ HU# _____ Affected Acres _____

Community _____ Predominant Soil Type _____

Quadrangle Map _____

RATE 0-5

I. Water Quality Parameters

A. Watershed Water Supply _____

1. Critical Area (5 pts.)
2. Watershed (3 pts.)

B. Distance to Perennial Waters _____

1. <200' (5 pts.)
2. 200'- 400' (3 pts.)
3. 401'- 800' (1 pt.)
4. >800' (0 pts.)

C. Flooding Potential _____

1. Frequent/Long (5 pts.)
2. Frequent/Brief (3 pts.)

D. Depth to Groundwater _____

1. 0.5' - 1.5' (5 pts.)
2. 1.5' - 3.0' (3 pts.)
3. 3.0' - 5.0' (1 pt.)
4. >5.0' (0 pts.)

II. Soil Characteristics

A. Leachability of the Soil _____

1. Severe (5 pts.)
2. Moderate (3 pts.)
3. Slight (1 pt.)

B. Land Capability Class _____

1. 7E (5 pts.)
2. 6E (4 pts.)
3. 4E (3 pts.)
4. 3E (2 pts.)
5. 2E (1 pt.)

RATE 0-5

III. Animal Operations

- A. Type of Waste Generated _____
1. Liquid waste (100 pts.)
2. Dry waste (50 pts.)
- B. Percent of System Completed _____
1. 75% (5 pts.)
2. 50% (4 pts.)
3. 25% (3 pts.)
- TOTAL _____

REMARKS:

ALLOCATION AND RE-ALLOCATION OF PROGRAM FUNDS (Strategy Plans)

Policies

1. Strategy Plans are due from each District on **June 1st**.
2. The District's strategy plan should include form NCACSP-98, Parameter Data. **It is very important to use the most current information you have available.**
3. Funds requested for BMPs should indicate that dollars shown are based on average costs.
4. Funds requested must reflect the District's reasonable expectations of what it can accomplish in the current program year.
5. At any time a district may submit a revised strategy plan and apply to the Commission for additional funds The District **must describe** their needs and contracts awaiting funding as specifically as possible.

ALLOCATION PARAMETERS

- I. Number of acres of agricultural land in the district (includes cropland, hayland, and pasture land). Source: current Ag Stats.
- II. Number of acres of cultivated cropland in the District. Source: current Ag Stats.
- III. Number of confined animal operations and number of animals by type that are Cost Share eligible in the District. Source: District
- IV. Number of stream protection systems needed by agricultural operations that are Cost Share eligible. Source: District
- V. Number of Cost Share eligible acres needing water control structures in the District. Source: District
- VI. Number of miles of total surface water identified as less than fully supporting due to agricultural nonpoint source pollution. Source: DWQ and District
- VII. Percent of county draining to PNA, ORW, HQW, Trout, Shellfishing and Critical Water Supply Watersheds. Source: DWQ
- VIII. Technical Assistance: a measure of how much technical assistance is available to plan and install BMPs based on historical averages and District projection. Source: District and NCACSP database
- IX. Three year average of BMP Cost Share funds paid out. Source: NCACSP database
- X. Cumulative BMP Cost Share funds outstanding: measure of technical assistance needed to complete existing contracts. Source: NCACSP database

Basis of Parameters:

- I - V: Level of Agricultural Activity and District Priorities
- VI - VII: Recognition of Areas of State/Federal Concern
- VIII - X: Planning and Application of Program

NCACSP ANNUAL STRATEGY PLAN OUTLINE

1. Describe the District's plans for marketing program year Ag Cost Share program funds allocated to the District. (Required advertisement adopted by Commission on 3/19/97. Advertisement must be published in a local newspaper or agricultural publication that reaches local farmers no later than June 30 preceding the July 1 program year. Copies of annual advertisement are to be kept in District's files and made available during District's program review.)
2. Describe the District's overall agricultural activities for the upcoming program year (e.g., Fran repairs, .0200 operations, non-.0200 operations, watershed project, EQIP)
3. Describe in general terms the nonpoint source pollution problems from agricultural land uses in the District. Attach map if available. (from 15A NCAC 6E.0103(b) and ACSP Manual, p. II-2)
4. In order to help decrease the agricultural non-point source pollution in the District, what are the geographical areas, farms, or types of operations, if any, that will receive funding or technical assistance priority from the District? Attach map if available. What are the BMPs that will receive priority? (See 15A NCAC 6E.0103 and ACSP Manual, p. II-2)
5. Attach a copy of the District's Cost Share application prioritization process, and any District forms developed to facilitate prioritization. (Application prioritization required by 15A NCAC 6E.0108(d); written prioritization process required by Commission action of 3/19/97)
6. Brief narrative of cost share funding request.
7. Brief narrative of technical assistance budget request.
8. Completed Parameters Form (NC-ACSP-A98). The District should include an explanation of any changes it is requesting to the Parameter data provided by the Division to the District. (Allocation parameters required by 15A NCAC 6E.0103(b).)

Sample Advertisement

NORTH CAROLINA AGRICULTURE COST SHARE FUNDS ARE AVAILABLE

_____ Soil and Water Conservation District (Committee in the Albemarle District) expect to receive its cost share allocation from the state for nonpoint source pollution control from agricultural activities. These funds are available to assist farmers to install conservation practices which help decrease the amount of sediment, nitrogen, phosphorus, chemicals and other pollutants in the surface and ground waters of the state.

The District expects to receive approximately \$_____ for program year 20____ which begins July 1, 20____. Landowners and operators of existing agricultural operations may apply for cost share assistance to install conservation practices such as stripcropping, terraces, grassed waterways, animal waste management, agrichemical handling facilities, and many more.

If you want more information or wish to apply for funds, just call the District office at telephone number _____. The office will send a conservation specialist to visit your farm and discuss solutions for protecting nearby creeks, streams, rivers, and lakes in the _____ (and _____) River Basin(s).

Instructions for Completion of NCACSP-A98

- (1-3) Name of funding source. There may be more than one. List all that are applicable to the District.
- (4-6) List the dollars the District is requesting from each funding source listed under (1-3). This amount should total only what the District can reasonably use during the program year. Assume each source can meet the Districts' program year needs based on BMPs needed which the District has sufficient technical staff time to plan and install during the program year.
- (7) Complete only if the District wishes to submit a total ag acres number which is different from the most current NCDA Ag Stats. The District must submit documentation and justification for number ag acres submitted.
- (8) Complete only if the District contains nurseryland acres, fruit orchard acres and/or Christmas tree acres. These are not included in NCDA Ag Stats.
- (9) Complete only if the District wishes to submit a total **row-cropped** acres number which is different from the most current NCDA Ag Stats. The number provided from NCDA Ag Stats does not include hayland, pastureland, nurseryland, fruit orchards or Christmas tree acres. The District should **not** include those acres in their submission of a different total of row-cropped acres submitted.

For blank numbers (10 and (11), the District should include only the number of operations and animals that will reasonably be addressed in the program year.

- 10) The District should inventory the total number of animal operations located in the District; subtract any animal operations which are not confined; then subtract any which are not eligible for cost share or do not need animal waste related BMPs (i.e. new or expanding operations which have reached ACSP caps, when applicable, etc.); the resulting number should be the total confined animal operations (regardless of size) which are cost share eligible which need animal waste related BMPs.
- (11) This number should represent the number of animals contained on the operations counted in (10).
- (12) This number should represent the number of cost share eligible stream protection systems needed in the District **that can reasonably be addressed during the program year.** The Division recommends that the District include pastured operations that are eligible for cost share and need stream protection systems. A system may have many components (i.e. fencing, tank, spring development, etc.). Do not count each component but rather count the number of systems needed.
- (13) The District should inventory the number of operations/acres in the District that need water control structures and then subtract any which are not eligible for cost share. The number should include only those that can reasonably be addressed during the program year.

- (14-19) The District should record the percentage of time each applicable District,

State or Federal technical staff member devotes to non-point source pollution prevention/reduction programs. If the District has overtime or special technical assistance hours, then the District should divide the number of these overtime or special hours by 2,080 (Example: 900 special technical assistance hours divided by 2,080 = .43 for other position).

(20)

The person who completes the form and whom the Division would need to contact if the Division has questions related to the information or documentation provided on this form or on an attachment.

North Carolina Agriculture Cost Share Program
Parameter Data For Allocation Process For Regular Cost Share BMP Funds

District: «County» Program Year: PY 2008

<u>FUND SOURCE</u>	<u>FUNDING AMOUNT REQUESTED</u>
<u>Regular Cost Share</u>	
<u>CREP Earmark</u>	
<u>Impaired/Impacted Streams Initiative Earmark (formerly Ag Sediment Earmark)</u>	

PARAMETER	DESCRIPTION	BASE AMOUNT	CORRECTED AMOUNT
I(a)	Percentage of total acres of agricultural land in North Carolina that are in the respective County (including cropland, hayland, pasture land, orchards/vineyards) (normalized to 1-100 scale) (Source: NC Agricultural Statistics - 2005) (includes cropland, hayland, and pastureland, but does not include nurseryland, fruit orchards, or Christmas tree acres)	Total cropland. Acres: «Total_Cropland»	
I(b)	If applicable, indicate the number of acres of nurseryland, fruit orchards and/or Christmas trees.	Total nursery/ orchard/vineyard: «OrchardVineyard»	
I Total	Total Ag. Land: «Total_Ag_Acres» % of State: «M_of_State_Ag_land» Parameter Score: «Normalized_Ag_land_»		
II	Percentage of total animal units in North Carolina that are in the respective County (normalized to 1-100 scale) (Source: NC Agricultural Statistics-2005)		
	<u>TYPE OF ANIMAL</u>	# Animals	
	Swine	«Swine»	
	Cattle	«Cattle»	
	Beef	«Beef»	
	Dairy	«Dairy»	
	Broilers	«Broilers»	
	Turkeys	«Turkeys»	
	Chickens	«Chickens»	
	Total Animal Units: «Total_Animal_Units» % of State AUs: «M_of_State_AUs»		Parameter Score: «Normalized_AU_»

III	Relative rank of the number of stream miles in the county identified as less than fully supporting due to agricultural nonpoint source pollution as reported on the state's 303(d) list, 305(b) report, and basinwide management plan (Source: NC Division of Water Quality)	Impaired Stream Miles: «Miles_of_Impaired_Streams_due_to_Ag» Rank: «Impaired_Streams_Rank»	
IV	Relative rank of the percentage of the County draining to waters classified as Primary Nursery Areas, Outstanding Resource Waters, High Quality Waters, Trout Waters, Shellfishing Waters, and Critical Water Supply on the current schedule of Water Quality Standards and Classifications (Source: NC Division of Water Quality)	Percent: «M_of_County_with_Protected_Stream_Class» Rank: «Stream_Class_Rank»	
V	The percentage of cost share funds allocated to a district that are encumbered to contracts in the highest three of the most recent four completed program years as reported on the NC Agriculture Cost Share Program Database.	«M_of_Allocated_Funds_Encumbered_»	
VI	Percentage of program funds encumbered to contracts that are actually expended for installed BMPs in the highest three years of the most recent four-year period for which the allowed time for implementing contracted BMPs has expired as reported on the NC Agriculture Cost Share Program Database	«M_of_Encumbered_Funds_Expended_»	
VII	Relative rank of the average erosion rate for agricultural land in the county as reported in the National Resources Inventory, unless the State Conservationist of the Natural Resources Conservation Service specifies that another information source would be more current and accurate.	«Average_Erosion_Rate»T/ac. Rank: «Erosion_Rate_Rank»	

Prepared by: _____

Completed form must be returned to the Division no later than June 1, 2007.

Agriculture Cost Share Program
Division of Soil and Water Conservation
1614 Mail Service Center
Raleigh, North Carolina 27699-1614

PROCEDURES FOR RESCINDING TECHNICAL SPECIALISTS DESIGNATION

- I. Upon meeting one of the following criteria, an individual's designation will be examined by the Technical Specialists Review Board.
 - 1) A technical specialist certifying components of three or more plans which:
 - . Fail to meet NRCS or Soil and Water Conservation Commission Animal Waste Standards, or
 - . Exhibit incomplete or incorrect data that results in the Soil and Water Conservation District not concurring with the plan.
 - 2) A single instance involving a misrepresentation of actual farm conditions or otherwise fraudulent certification.
- II. The Technical Specialist Review Board will have the authority to recommend to the Soil and Water Conservation Commission that an individual be removed from the technical specialist list or to seek appropriate relief from the certifying agency or board.
- III. Members appointed to the Technical Specialist Review Board are:

Harry Gibson - NRCS
Tommy Stevens - DWQ
Carroll Pierce - DSWC
- IV. The Division will conduct a review of technical specialists and refer any individuals meeting the criteria in item I to the Technical Specialist Review Board.